

than five elected, shall immediately certify to the said persons so elected the fact of there being such a tie, and the said commissioners, or a majority of them, shall, at their first meeting as a board, designate one of the said persons so voted for who has received a tie vote, to be commissioner, and the said commissioner shall hold his office for the same time as he would had he received the highest number of votes.

Sub-Sec. 1. If at any time, for any reason, no judges of election shall be appointed under this act, or the said judges, upon the morning of the election, shall refuse to act as such, the voters of the said town shall, within an hour after the time for opening the polls has arrived, upon the morning of the day of election, as many of them as are assembled at the place of voting, select two of their number, voters of said town, to act as judges of election, and such selection shall be as valid, to enable them to hold said election, as if they had been originally appointed; *provided*, that before acting as such judges, they shall each take the oath hereinbefore prescribed.

When voters may appoint judges.

PROVISO.

134. Each commissioner, before he acts as such, shall make oath before a justice of the peace in and for Worcester county, that he will diligently and faithfully, to the best of his skill and judgment, perform the duties of a commissioner of said town without favor, partiality or prejudice, and a certificate of such qualification shall be made by the said justice, and shall be filed and recorded among the record of proceedings of said commissioners.

Commissioners' oath.

135. The said commissioners shall meet once in each month, and oftener if they think proper, and a majority shall constitute a board for the transaction of business; they shall at their first meeting, or as soon thereafter as may be possible, elect one of their number president, who shall preside at the meetings of the board, when present, give directions to the clerk and bailiff by the advice of the commissioners and superintend such improvements of the town as may be ordered by the board.

Meetings.

President.